

App. No. 09/751,185
Amendment mailed September 9, 2003
Re: Office Action mailed March 14, 2003

REMARKS

In response to the Office Action mailed March 14, 2003, the Applicant respectfully requests that the Examiner consider the following remarks. Claims 1-26 remain pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the remarks.

Objections to Drawings

The Examiner's objections to the drawings filed with the case are hereby noted. The Examiner asserted that Figure 4 introduced new matter. In particular, the Examiner asserted that the specification does not disclose the configuration shown in Figure 4. The Examiner further asserted that the specification does not disclose the position of the reinforcement panel with respect to the siding panel. The Applicant respectfully traverses the objections.

Page 5, lines 20-22, of the specification set forth that a reinforcement panel may be secured to, or positioned behind, the inner surface of siding panel. That type of configuration is shown in Figure 4. In addition, the present application claims the priority of U.S. Design Application No. 29/133,077, which is now U.S. Design Patent No. 450,138. U.S. Design Application No. 29/133,077 was incorporated by reference in its entirety. Therefore, the Applicant respectfully submits that page 5, lines 20-22, of the present application and the figures of U.S. Design Application No. 29/133,077 provide the necessary support for Figure 4, and no new matter has been added.

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Furthermore, the Applicant respectfully submits that the figures as amended show every feature of the invention specified in the claims. Figure 4 shows the relevant features in the claims. With regard to claim 6, Figure 2 shows a planar portion 22 and a tongue 30 connected to edge 34. Regarding claim 7, Figure 2 shows a planar portion 26 and a groove 32 connected to edge 44. Thus, the Applicant respectfully all of the features of claims 6 and 7 are shown in the claims.

In light of these remarks, the Applicant respectfully requests the withdrawal of the new matter and drawing objections.

Objection to the Specification

The Examiner objected that the specification does not provide proper antecedent basis for claims 6 and 7. The Applicant respectfully traverses the objection. First, it should be noted that claims 6 and 7 are independent of one another. As a result, the Applicant respectfully submits that a drawing showing the combined features of claims 6 and 7 is not required, even though such an embodiment is within the scope of the present invention. The individual features of claim 6 are supported by page 4, lines 14-19, and Figure 2 of the specification. Likewise, the individual features of claim 7 are supported by page 4, lines 14-19, and Figure 2 of the specification. Therefore, the Applicant respectfully requests the withdrawal of the objection to the specification.

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Rejection of Claims 1 and 4-13 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1 and 4-13 under 35 U.S.C. § 103(a) as being unpatentable over Grace, Sr. et al. in view of the Sweet Catalog. The Applicant respectfully traverses the rejection.

The Applicant respectfully submits that Grace, Sr. et al. does not teach or suggest the features asserted by the Examiner. The Examiner asserted that figure 2 of Grace, Sr. et al. discloses planar portions having the surface variances of the present invention. Grace, Sr. et al. does not assert that figure 2 is drawn to scale. Nevertheless, figure 2 of Grace, Sr. et al. shows a panel that has substantially curved rows. Moreover, the description of Grace, Sr. et al. does not teach or suggest that the rows have surface variances in the range of the present invention. Accordingly, the Applicant respectfully submits that there is no motivation to infer the Grace, Sr. et al. teaches or suggests the surface variances of the present invention.

The Sweet Catalog fails to overcome the shortcomings of Grace, Sr. et al. The Sweet Catalog does not teach or suggest the surface variances of the present invention. The Examiner has cited the Sweet Catalog for certain features of siding panels. However, the Applicant respectfully submits that the combination of Grace, Sr. et al. and the Sweet Catalog does not teach or suggest the combinations of features set forth in the claims. Therefore, the Applicant respectfully submits that Grace, Sr. et al. in

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view of the Sweet Catalog cannot support the rejection of claims 1 and 4-13 under 35 U.S.C. § 103(a).

Rejection of Claims 2 and 3 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 2 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Grace, Sr. et al. and the Sweet Catalog in view of Manning et al. The Applicant respectfully traverses the rejection.

The shortcomings of Grace, Sr. et al. and the Sweet Catalog have been set forth above with regard to claim 1. Both claims 2 and 3 depend from claim 1. Some of the shortcomings of Manning et al. have been set forth in an earlier response. In view of those shortcomings, Manning et al., alone or together with the other references, fails to teach or suggest the surface variance and the respective combinations of features of the claims. Therefore, the Applicant respectfully submits that Grace, Sr. et al. and the Sweet Catalog in view of Manning et al. cannot support the rejection of claims 2 and 3 under 35 U.S.C. § 103(a).

Rejection of Claims 1, 4-14, and 17-26 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 4-14, and 17-26 under 35 U.S.C. § 103(a) as being unpatentable over Johnstone et al. in view of the Sweet Catalog. The Applicant respectfully traverses the rejection.

The Applicant respectfully submits that Johnstone et al. fails to teach or suggest the specific surface variances of the claims of the present invention. Although

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Johnstone et al. mentions "gently curved walls" in column 4, Johnstone et al. does not teach or suggest the dimensions that qualify as "gently curved walls." Johnstone et al. does not teach that its figures are drawn to scale. Nevertheless, Figure 2 of Johnstone et al. depicts a significant amount of curvature compared to the present invention. Thus, there is no motivation provided by the combination of Johnstone et al. and the Sweet Catalog to arrive at the present invention. Therefore, the Applicant respectfully submits that Johnstone et al. in view of the Sweet Catalog cannot support the rejection of claims 1, 4-14, and 17-26 under 35 U.S.C. § 103(a).

Rejection of Claims 2, 3, 15, and 16 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 2, 3, 15, and 16 under 35 U.S.C. § 103(a) as being unpatentable over Johnstone et al. and the Sweet Catalog in view of Manning et al. The Applicant respectfully traverses the rejection.

The shortcomings of Johnstone et al. and the Sweet Catalog have been set forth above with regard to claims 1 and 14. Claims 2 and 3 depend from claim 1, and claims 15 and 16 depend from claim 14. An earlier response has already set forth some of the shortcomings of Manning et al. In view of those shortcomings, Manning et al., alone or together with the other references, fails to teach or suggest the surface variance and the respective combinations of features of claims 2, 3, 15, and 16. Therefore, the Applicant respectfully submits that Johnstone et al. and the Sweet Catalog in view of

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Manning et al. cannot support the rejection of claims 2, 3, 15, and 16 under 35 U.S.C. § 103(a).

Conclusion

The Applicant appreciates the Examiner's careful consideration of this case. Claims 1-26 have been distinguished over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

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